

REMARKS

The present remarks are submitted in response to the official action dated September 16, 2004. All objections and rejections set forth in the official action are respectfully traversed. Reconsideration of the application in view of the present remarks and the terminal disclaimer submitted herewith is respectfully requested.

Upon receipt of the official action, the undersigned attorney for the Applicant noticed that page 2 of the Official Action acknowledged receipt of an Information Disclosure Statement (IDS) filed by the Applicant on May 3, 2004 but did not reference an IDS filed by the Applicant on December 15, 2003. The undersigned attorney of record desires to make of record several telephone discussions with the Examiner between September 21 and September 23, 2004 during which the December 15, 2004 IDS was discussed. The Examiner indicated that he had not seen the December 15, 2004 IDS. The undersigned advised the Examiner that the IDS is identified as having been received by the US Patent and Trademark Office on the Public PAIR System. A duplicate copy of the December 15, 2004 IDS along with a copy of the stamped post card evidencing receipt of that Information Disclosure Statement on or around December 15, 2004 is submitted herewith for the Examiner's convenience. At the

request of the Examiner, duplicate copies of the art are not being resubmitted since the Examiner indicated he likely has the art in his possession. Should the Examiner identify any references that are not in his possession or readily available, it is respectfully requested that they be identified to the Applicant so they may be resubmitted. The undersigned attorney for Applicant wishes to express his appreciation for the assistance of the Examiner with this matter.

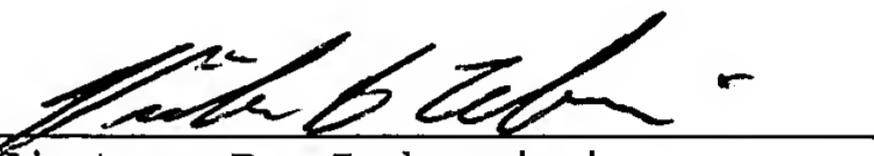
The sole basis for rejection of claims in the pending application is a non-statutory double patenting rejection. Submitted herewith is a Terminal Disclaimer executed on behalf of the owner of the application. In view of the submission of this Terminal Disclaimer, it is believed that the application, including all pending claims, is in condition for allowance. Accordingly, the allowance of the application is respectfully requested.

Application No. 10/661,739
Filed: September 12, 2003
TC Art Unit: 2123
Confirmation No.: 8290

Should the Examiner have any further questions with regard to the present application, he is invited to telephone the undersigned attorney.

Respectfully submitted,

MICHAEL T. GLIER, ET AL.

By: 
Victor B. Lebovici
Registration No. 30,864
Attorney for Applicants

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
Ten Post Office Square
Boston, MA 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313

311656